

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JACQ AUS L. MARTIN,	)	
	)	
Plaintiff,	)	4:03cv3130
	)	
vs.	)	ORDER
	)	
UNKNOWN SERRELL, et al.,	)	
	)	
Defendants.	)	

This matter is before the court on filing no. 113, the Objection to Videotape, in which the plaintiff, JacQaus L. Martin, asks the court to impose sanctions on the defendants or their attorney for alleged destruction of evidence. The defendants allowed the plaintiff to view the videotape of a strip search, as required by the court. The plaintiff contends that the videotape is incomplete.

In an Affidavit (filing no. 114), counsel for the defendants concedes that the tape concludes before the incident ended. However, defendants' counsel states under oath that the failure to tape the entire incident occurred because the master tape ran out before the end of the incident. The inadvertent lack of sufficient tape on the cassette is not a basis for the imposition of sanctions. Therefore, filing no. 113 is denied.

The plaintiff is reminded that his deadline for submission of a response to the defendants' Motion for Summary Judgment and for submission of a summary judgment motion of his own continues to be July 25, 2005, and the dispute over the videotape does not extend that deadline.

SO ORDERED.

DATED this 21<sup>st</sup> day of June, 2005.

BY THE COURT:

s/Laurie Smith Camp  
Laurie Smith Camp  
United States District Judge